

SENATE BILL 103

By Kelsey

AN ACT to amend Tennessee Code Annotated, Title 49;  
Title 58 and Title 68.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 2, Part 2, is amended by adding the following as a new section:

(a) During an emergency as defined in § 58-2-101, local boards of education may consult with the state and local health departments when determining whether to open or close a school to in-person learning and instruction.

(b) Notwithstanding an executive order issued by the governor or an order issued by a local health board or other public health official, a local board of education has the sole authority to open or close a school to in-person learning and instruction during an emergency as defined in § 58-2-101.

(c) Notwithstanding subsection (b), during an emergency as defined in § 58-2-101, if the governor issues an executive order with statewide applicability that requires schools to be open for in-person learning and instruction, then the executive order supersedes the authority granted in subsection (b).

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 13, is amended by adding the following as a new section:

(a) During an emergency as defined in § 58-2-101, the governing body of a public charter school may consult with the state and local health departments when determining whether to open or close a school to in-person learning and instruction.

(b) Notwithstanding an executive order issued by the governor or an order issued by a local health board or other public health official, the governing body of a

public charter school has the sole authority to open or close a school to in-person learning and instruction during an emergency as defined in § 58-2-101.

(c) Notwithstanding subsection (b), during an emergency as defined in § 58-2-101, if the governor issues an executive order with statewide applicability that requires schools to be open for in-person learning and instruction, then the executive order supersedes the authority granted in subsection (b).

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.